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HOUSE BILL 853

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Luciano "Lucky" Varela

AN ACT

RELATING TO EXECUTIVE REORGANIZATION; PERMITTING THE GOVERNOR TO REORGANIZE CERTAIN AGENCIES BY EXECUTIVE ORDER IN 2003 TO MAKE THEM CABINET-LEVEL DEPARTMENTS; REQUIRING LEGISLATIVE APPROVAL OF SUCH EXECUTIVE ORDER REORGANIZATIONS; PROVIDING FOR TRANSFERS OF FUNCTIONS, PERSONNEL, APPROPRIATIONS, MONEY AND PROPERTY; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. EXECUTIVE REORGANIZATION-- EXECUTIVE ORDER-- TRANSFERS-- LEGISLATIVE APPROVAL. --

A. The governor may, by executive order issued in 2003, make the following state agencies cabinet-level departments:

(1) the state agency on aging may become the aging and long-term care department;

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1 (2) the office of cultural affairs may become
2 the cultural affairs department;

3 (3) the New Mexico office of Indian affairs
4 may become the Indian affairs department; and

5 (4) the New Mexico veterans' service
6 commission may become the veterans' service department.

7 B. Functions, personnel, appropriations, money,
8 records, files, furniture, equipment and other property of an
9 agency specified in Subsection A of this section shall be
10 transferred to the resulting department. Contractual and
11 statutory obligations of the original agency shall be
12 obligations of the resulting department.

13 C. The executive order relating to the state agency
14 on aging may provide for the transfer of functions, personnel,
15 appropriations, money, records, files, furniture, equipment,
16 supplies and other property of the children, youth and families
17 department, human services department and department of health
18 pertaining to adult services to the aging and long-term care
19 department.

20 D. If a special election is held and the voters
21 approve a constitutional amendment to create a cabinet-level
22 public education department, the governor may, by executive
23 order issued in 2003, establish the department from the state
24 department of public education. Upon issuance of the executive
25 order, functions, personnel, appropriations, money, records,

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1 files, furniture, equipment and other property of the state
2 department of public education shall be transferred to the
3 public education department. Contractual and statutory
4 obligations of the state department of public education shall
5 be obligations of the public education department.

6 E. If a bill of the forty-sixth legislature, second
7 session, approving an executive reorganization undertaken
8 pursuant to Subsection A and D of this section is not enacted
9 into law, that reorganization is void.

10 Section 2. APPROPRIATION. --Two hundred fifty thousand
11 dollars (\$250,000) is appropriated from the general fund to the
12 office of the governor for expenditure in fiscal year 2004 to
13 carry out the purposes of Section 1 of this act. Any
14 unexpended or unencumbered balance remaining at the end of
15 fiscal year 2004 shall revert to the general fund.